

Appl. No. 09/822,823
Amdt. Dated November 12, 2003
Reply to Office action of September 24, 2003

REMARKS/ARGUMENTS

The Official Action dated September 24, 2003 has been carefully considered. It is believed that the following comments represent a complete response to the Examiner's rejections and place the present application in condition for allowance. Reconsideration is respectfully requested.

35 USC §103

The Examiner has maintained his objection to claims 22 and 25 under 35 USC §103(a) as being unpatentable over Peters et al. (FASEB J. 2000) in view of Thomas et al. (U.S. Patent No. 6,117,985).

In order to dispose of the Peters et al. reference, we are enclosing a Declaration under 37 CFR 1.132 of inventor Terry E. Thomas. The enclosed Declaration provides evidence that Cyndy L. Nauer, who was an author on the Abstract, is not an inventor of the present application. As a result, the Peters et al. reference is not citeable under 35 USC §103(a) as it is an inventor derived disclosure that occurred less than one year before the filing date of the present application. As Peters et al. is not citeable, Thomas et al. alone does not render the claims obvious as it in no way discloses or remotely suggests an immunorosetting composition as claimed in the present application.

In view of the foregoing, we respectfully request that the objection to the claims under 35 USC §103 be withdrawn.

The Commissioner is hereby authorized to charge any deficiency in fees (including any claim fees) or credit any overpayment to our Deposit Account No. 02-2095.

In view of the foregoing, we submit that the application is in order for allowance and an early indication to that effect would be greatly appreciated. Should the Examiner like to

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discuss the matter, he is kindly requested to contact Micheline Gravelle at 416-957-1682 at his convenience.

Respectfully submitted,

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Attachment